

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 15 and 38-39 are amended. Claims 1-10, 13-14, and 19-34 were canceled in a previous paper. Claims 11-12, 15-18, and 35-43 remain pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendment and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

### **II. Claim Objections**

The Examiner has objected to claim 15 because the term "said wire handle" lacks antecedent basis. The Examiner has also objected to claims 38-39 because the term "the housing" lacks antecedent basis. In light of the amendments herein to claim 15 and 38-39, Applicant respectfully submits that these objections have been overcome and should be withdrawn.

## **II. Rejections Under 35 U.S.C. §§ 102 and 103**

The Examiner has rejected claims 11-12, 16-18, 35-41, and 43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,796,715 to Chiu et al. ("*Chiu*"). The Examiner has also rejected claims 15 and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Chiu* in view of U.S. Patent No. 6,533,603 to Togami ("*Togami*"). Applicant respectfully disagrees but submits that in light of the discussion below, the rejection has been rendered moot and should be withdrawn.

Particularly, Applicant has submitted herewith, as 'Appendix A,' a declaration under 37 C.F.R. § 1.131 to demonstrate reduction to practice of the claimed invention prior to earliest potential effective date of the primary reference, i.e., *Chiu* (the "Declaration"). The earliest such potential effective date, April 14, 2001, is the filing date of U.S. Provisional Application No. 60/283,843, which is listed as a Related U.S. Application on the first page of *Chiu*.<sup>1</sup> On the other hand, the Declaration states that "...we conceived and reduced the Invention to practice in the United States prior to April 14, 2001..." *Declaration* at 2.

Attached to the Declaration as evidence of prior conception and reduction to practice of the claimed invention is an invention record disclosing the claimed invention and signed by each of the named inventors on March 14, 2001, as well as an email sent by one of the inventors on April 3, 2001.

In view of the foregoing, Applicant respectfully submits that *Chiu* is not prior art as to the claimed invention, and the rejection of claims 11-12, 15-18, and 35-43 under 35 U.S.C. §§ 102(e) and 103(a) based upon *Chiu* should accordingly be withdrawn.

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<sup>1</sup> With reference to the aforementioned potential effective date of April 14, 2001, Applicant hereby makes no assessment or judgment as to whether April 14, 2001 is, in fact, the effective date of *Chiu*. Applicant merely acknowledges that April 14, 2001 is the earliest *potential* effective date of *Chiu*.

**CONCLUSION**

In view of the amendments and remarks submitted herein, Applicant respectfully submits that each of the pending claims 11-12, 15-18, and 35-43 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 28th day of February, 2007.

Respectfully submitted,

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